



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: September 18, 2019

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #6646

LOCATION: 1311 Hillcrest Avenue

APPLICANT: Liza Kerrigan

ZONING DESIGNATION: RS-2 (Single-Family Residential, 0-2 dwelling units per acre)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Kristen Johnston

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6646 and **approve** Variance with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Conditional Use Permit: To allow the construction of a 755 square-foot detached garage with a top plate height of 10'6", where the maximum permitted is nine feet. The project also includes a 288 square-foot covered patio, attached to the north side of the detached garage. A Minor Conditional Use Permit is required to allow the modification of the maximum allowable top plate height of an accessory structure in order to achieve a design that is architecturally compatible with the main structure; and

Variance: To allow a second driveway, where the Zoning Code allows a maximum of one driveway serving a single-family residence.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b) (9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, (New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore,

there are no unusual circumstances. This exemption applies to construction of new, small structures, including accessory structures such as garages and driveways.

BACKGROUND:

Site characteristics: The subject site is a 33,029 square-foot (0.76 acres) corner parcel located on the southwest corner of Hillcrest Avenue and Pinehurst Drive. The site maintains a 7,970 square-foot, two-story single-family residence constructed in 1926, with an interior courtyard, roof deck, and an attached 484 square-foot two-car garage providing vehicular access from Pinehurst Drive.

Adjacent Uses: North – Single-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning: North – RS-2 (Single-Family Residential, 0-2 dwelling units per acre), and RS-2-HD (Single-Family Residential, 0-2 dwelling units per acre, Hillside Overlay District)
South – RS-2 (Single-Family Residential, 0-2 dwelling units per acre)
East – RS-2-HD (Single-Family Residential, 0-2 dwelling units per acre, Hillside Overlay District)
West – RS-2 (Single-Family Residential, 0-2 dwelling units per acre)

Previous zoning cases on this property: None.

PROJECT DESCRIPTION:

The applicant, Liza Kerrigan on behalf of John and Jennifer Willhite, has submitted the following applications to facilitate construction of a 755 square-foot detached garage with a 288 square-foot attached covered patio, and a second driveway. A Minor Conditional Use Permit to allow the construction of a 755 square-foot detached garage with a top plate height of 10'6", where the maximum permitted is nine feet; and, a Variance to allow a second driveway, where the Zoning Code allows for a maximum of one driveway to serve a single-family residence. The subject property is a 33,029 square-foot corner parcel, located within the RS-2 (Single-Family Residential, 0-2 dwelling units per acre) zoning district.

The plans provided by the applicant demonstrate the proposed two-car detached garage would be located within the rear southwest corner of the property, and a new ten-foot wide Portland cement driveway would be constructed along the southern property line to provide vehicular access from Hillcrest Avenue.

As proposed, the detached garage structure would maintain a side (south) setback ranging between 3'6" to five feet, and a rear (west) setback ranging between 3'6" to 3'10". In addition, the floorplan indicates the detached garage would measure 605 square feet, and provide parking for

two vehicles. The additional 150 square-foot area located at the northwest portion of the garage structure would provide bike storage, and a half-bathroom (toilet and sink). The project also includes a 288 square-foot covered patio attached to the north side of the garage.

The existing driveway is located on the north side of the subject site and provides vehicular access from Pinehurst Drive to the attached 484 square-foot two-car garage. As proposed, this driveway would remain.

ANALYSIS:

Properties located within the RS-2 zoning district are required to comply with all of the applicable development standards provided in Section 17.22.040 (Residential District General Development Standards) of the Zoning Code. Given the proposed project, the subject site is also subject to development standards provided in Section 17.50.250 (Residential Uses – Accessory Uses and Structures), and Section 17.46.150 (Driveway Design, Widths, and Clearances) of the Zoning Code. In addition to the following discussion, an outline of development standards provided in Table A illustrate project compliance with the applicable development standards.

RS-2, Single-Family Residential District General Development Standards

Maximum Allowable Floor Area

Pursuant to Section 17.22.040 – Table 2-3 (RS and RM-12 Residential Districts General Development Standards), the maximum allowable gross floor area for a lot 24,000 square feet or greater, is 25 percent of the lot area plus 1,000 square feet. Gross floor area includes the floor area between the floor and roof above it, as measured from the outside edge of the exterior walls of the main structure and all accessory structures, including required parking (either garage or carport). In addition, any portion of a structure, including stairwells over 17 feet in interior height, is counted twice for purposes of computing floor area.

As such, the maximum allowable gross floor area based on a lot size of 33,178 square feet is 9,295 square feet. The combined floor area of the existing two-story residence, existing two-car attached garage, and the proposed detached garage structure, excluding the 288 square-foot covered patio structure would be 9,260 square-feet, which is in conformance with the maximum allowable floor area requirement.

Maximum Site Coverage

In addition to the maximum allowable gross floor area, single-family residential properties are also subject to site coverage. Site coverage is defined as the percentage of a site covered by roofs, soffits or overhangs extending more than three feet from a wall, and by decks more than four feet in height. As prescribed in the Zoning Code, the maximum allowable site coverage for a site greater than 12,000 square feet in area is 35 percent or 4,800 square feet, whichever is greater; any additional coverage over 35 percent shall be single-story only.

The subject property has a lot size of 33,178 square feet, which allows for a maximum allowable site coverage of 11,612 square feet. The plans provided by the applicant indicate the proposed site coverage is 5,625 square feet, which includes the existing footprint of the single-family residence, existing attached garage, and proposed detached garage and covered patio structure. Therefore, as proposed the project complies with the maximum allowable site coverage.

Residential Uses - Accessory Uses and Structures

Residential accessory uses and structures are subject to the development standards provided in Section 17.50.250 of the Zoning Code, which states that accessory structures shall be limited to uses, which are accessory to the main use including, but not limited to, cabana, garage or carport, gazebo, greenhouse, pergola, pool or hot tub and related equipment, or workshop. An accessory structure does not permit the use for sleeping quarters.

Furthermore, an accessory structure may contain air conditioning, heating, shower, toilet, washtub, and/or washer and dryer facilities. However, when an accessory structure contains any of the above listed facilities or a combination of such facilities, a covenant shall be required that restricts the use of the accessory structure, prior to the issuance of a building permit.

The proposed 755 square-foot detached garage would be located within the rear southwest corner of the site, and in addition to the two covered parking spaces, would provide a 150 square-foot area for bike storage, and a half-bathroom (toilet and sink). As a result, a covenant is required for the accessory structure prior to the issuance of building permits. A condition of approval has been included in Attachment B of this report to ensure compliance with this requirement.

Height

As prescribed in Section 17.50.250(E) of the Zoning Code for accessory structures, the top plate height for an accessory structure shall not exceed nine feet. Additionally, the overall height of an accessory structure may exceed the nine-foot height limit as it steps, or slopes, away from the two-foot initial setback, but shall not intercept an encroachment plane sloping inward from a point nine feet in height and rising a maximum of one and one-half feet of distance starting at the two-foot setback. Furthermore, an accessory structure may rise to, but shall not exceed, an overall height of 15 feet, so long as the structure does not intercept the encroachment plane.

The proposed top plate height of the detached garage is 10'6", with an overall height of 15 feet, measured from existing grade to the top of the parapet and does not intercept the encroachment plane at any point. The proposed covered patio structure, proposes a top plate height of 7'6", and therefore complies with the nine-foot top plate height. With the exception of the garage top plate height, the proposed detached garage and patio structure comply with the maximum allowable overall height requirement.

Encroachment Plane

The overall height of an accessory structure (excluding the top plate height) may rise above the nine-foot height limit as it steps or slopes away from the two-foot initial setback, but shall not intercept an encroachment plane sloping inward from a point nine feet in height (beginning at the two-foot setback) and rising a maximum of one-and-a-half feet for each one-foot of distance starting at the two-foot setback. The proposed 755 square-foot detached garage and 288 square-foot covered patio structure complies with the required accessory structure encroachment plane requirement.

Accessory Structure Size and Placement

Pursuant to Section 17.50.250(D)(2) of the Zoning Code, an accessory structure may be located in a required side or rear setback; provided it is more than 100 feet from the front property line or entirely within the rear 25 feet of the site. Otherwise, the minimum required setbacks of the primary

structure shall also apply to the accessory structure. Additionally, in order to prevent an excessive amount of structure located along a property line, the maximum horizontal length of an accessory structure than can be located less than five feet from the property line shall be limited to 22 feet.

The proposed accessory structure (detached garage and covered patio structure) would be constructed 104 feet from the north corner side property line, 3'6" to 5 feet from the south interior side property line, 3'6" from the rear (west) property line, and more than 193 feet from the front (east) property line. Furthermore, the proposed detached garage and covered patio structure would not have a structure length greater than 22 feet along the side (south) or rear (west) property lines, and would be constructed with a 28-foot separation from the residence. Therefore, the proposed detached garage and covered patio structure comply with the minimum setback requirements.

Pursuant to Section 17.50.250(G) of the Zoning Code, the maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater. Therefore, based on the lot size of 33,178 square feet, the maximum allowable aggregate size of all accessory structures is 1,991 square feet. The proposed detached garage and covered patio structure would total 1,043 square feet or three percent of the lot size; therefore, the proposed size of the accessory structure complies with the maximum allowable floor area for accessory structures.

Driveway and Paving Requirements

Pursuant to Section 17.46.150 (Driveway Design, Widths, and Clearances) the minimum width of a driveway serving a residential use shall be eight feet, with a maximum driveway width of ten feet for garages located to the rear of a lot. Additionally, the maximum number of driveways serving a single-family residential use shall be one. However, the maximum number of driveways may be increased to two for approved circular driveways.

In addition to the above requirements and pursuant to Section 17.40.160(F)(3) of the Zoning Code, within a residential zoning district no portion of any front or corner side setback area between the street property line and the building line shall be paved unless paving has been approved by the Zoning Administrator. As such, any proposed paving and the subject site shall comply with the following requirements:

- (a) Paving shall not exceed 30 percent of the front or corner side setback;
- (b) All unpaved areas shall be improved and maintained with landscaping;
- (c) A driveway shall lead to covered parking elsewhere on the lot; and
- (d) Driveway widths shall not exceed the maximum allowed.

The subject site currently has vehicular access from Pinehurst Drive to the existing two-car attached garage. However, as previously discussed, the project proposes construction of a two-car, detached garage at the rear southwest corner of the site, thus requiring the construction of a second driveway off Hillcrest Avenue; where only one is permitted. Therefore, the approval of a Variance is needed in order to proceed as proposed – see Variance discussion below.

The plans provided by the applicant demonstrate the proposed driveway material would be Portland cement, constructed along the southern property line, and would be ten feet in width, except where it widens to access the garage doors. The plan also notes the paved area within the front setback with the proposed second driveway would account for nine percent of the front yard.

With the exception of the request for a second driveway, the proposed driveway width, location, material, and percentage of paving complies with the requirements discussed above.

Development Feature		Requirement	Proposed	Analysis
RS-2 – Single Family Residential – General Development Standards				
Maximum Coverage				
Floor Area Ratio		9,295 square feet or 25% of the lot size, plus 1,000 square feet	9,260 square feet	Complies
Site Coverage		11,612 square feet or 35% of the lot size	5,625 square feet	Complies
Minimum Parking				
Single-Family Residence		2 covered parking spaces	4 covered parking spaces	Complies
Maximum Number of Allowed Driveways		One driveway	Two driveways	Variance
Residential Accessory Uses and Structures				
Minimum Setbacks	Side (south)	2 feet & within encroachment plane; maximum wall length - 22 linear feet	3'6" to 5 feet & within encroachment plane	Complies
	Rear (west)	2 feet & within encroachment plane; maximum wall length - 22 linear feet	3'6" to 3'10" & within encroachment plane	Complies
Maximum Allowable Aggregate Accessory Structure Size		1,991 square feet (6% of lot size)	1,043 square feet	Complies
Maximum Allowable Height(s)	Structure	15 feet	15 feet	Complies
	Top Plate	9 feet	10'6"	Minor Conditional Use Permit

Table 1: RS-2 Single-Family Residential Development Standards

Minor Conditional Use Permit: To allow an accessory structure to exceed the maximum allowable top plate height.

The proposed top plate height of the detached garage is 10'6", where the maximum allowed by the Zoning Code is nine feet. Pursuant to Section 17.50.250(E)(1)(e) of the Zoning Code, the maximum allowable height including the top plate height may be modified in order to achieve a design that is architecturally compatible with the main structure, with the approval of a Minor Conditional Use Permit.

The Minor Conditional Use Permit application allows the City to review the project and determine if the proposed project is compatible with the surrounding area. A Minor Conditional Use Permit may only be granted after making six findings pursuant to Zoning Code Section 17.61.050(H) (Findings and Decision). These findings relate to project conformance with the Zoning Code and General Plan, potential project impacts on the surrounding properties, and compatibility with the surrounding uses. The following analysis focuses on whether the request to exceed the maximum allowable top plate height is architecturally compatible with the main structure, as it relates architectural design, massing, and overall scale.

Architectural Compatibility

The existing two-story, single-family residence designed by architect George Washington Smith exhibits a Mediterranean Revival style. The residence, constructed in 1926 was determined eligible for listing in the National Register of Historic Places as a contributing structure to an eligible historic district.

Character defining features of the existing single-family residence include, variations of low-pitched cross-gable, hip, and flat roof forms with Spanish tile and minimal eave overhangs, arched openings, deeply recessed wood windows, stucco-clad walls, a courtyard, and a prominent front entrance accented with classical detailing. The existing two-car attached garage was designed and constructed with thick exterior walls, a flat roof, arched door openings, and exterior walls covered in stucco that match the residence. The proposed detached garage would also display a Mediterranean architectural style, and draws elements from the existing residence and original attached garage, including the arched openings, flat roof with unique detailing along the parapets, and plaster walls. In addition, the proposed scale and height of the detached garage is similar to that of the existing attached garage.

Therefore, the applicant's request for the Minor Conditional Use Permit, to allow the proposed detached garage to exceed the maximum allowable top plate height for the purpose of architectural compatibility, can be justified as the requested top plate height would not affect the predominant appearance of the existing two-story, single-family residence.

Variance: To allow a second driveway, where the Zoning Code allows for a maximum of one driveway serving a single-family residence

A Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. A Variance may only be granted after making five findings pursuant to Zoning Code Section 17.61.080(G) (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether an exceptional or extraordinary circumstance exists, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties.

Pursuant to Section 17.46.150(A)(3) of the Zoning Code, the maximum number of driveways serving a single-family residential use shall be one. As previously discussed, the project proposes construction of a two-car, detached garage at the southwest corner of the site, thus requiring the construction of a second driveway off Hillcrest Avenue.

The subject site is a corner parcel improved with a two-story, single-family residence constructed in 1926, and was determined eligible for listing in the National Register of Historic Places as a contributing structure to an eligible historic district. The residence is located in the center of the site, approximately 70 feet from the front property line and 62 feet from the rear property line. Vehicular access to the existing two-car attached garage on the north side of the house is from Pinehurst Drive. The existing two-car attached garage was designed and constructed with thick exterior walls, a flat roof, arched door openings, and exterior walls covered in stucco that match the residence. The arched garage doors, although consistent with the architectural style, are narrow in width (seven feet) and unable to accommodate many contemporary vehicles parking within the garage. Rather than altering the existing, potentially eligible historic residence, the applicant has proposed construction of a detached garage in the rear southwest corner of the site. The proposed detached garage will also display a Mediterranean architectural style, including arched openings with ten-foot wide garage doors. Along with construction of the new detached

garage, a second driveway is necessary in order to provide vehicle access from Hillcrest Avenue. Given the configuration of residence on the property, and the potential historical eligibility of the existing residence, the inability to modify the exterior of the residence to accommodate ten-foot garage doors, or construct a circular driveway consistent with the Zoning Code, is considered an exceptional circumstance that do not apply generally to sites in the same zoning district. Similarly, removing the existing driveway while maintaining the existing garage could also potentially impact the historic character and/or setting of the house, even if the result would be one Zoning Code-compliant driveway.

In addition, there are four corner properties within the immediate neighborhood of the subject site that maintain two or more driveways serving the residential use, including: 1300 Hillcrest Avenue, 1330 Hillcrest Avenue, 1437 Hillcrest Avenue, and 1345 Wentworth Avenue. Therefore, given the proposed second driveway would comply with all other requirements, the approval of the Variance would not constitute a grant of special privileges inconsistent with limitations on other properties in the vicinity and in the same zoning district, as other corner properties exist within the vicinity, as noted above, that maintain two driveways.

Tree Protection Ordinance

The tree inventory report and tree inventory plan submitted by the applicant identified a total of 27 trees, with 21 trees located on the subject site and six in the public right-of-way. Of the 21 trees located on the subject site, three trees qualify for protection as defined in the City's Tree Protection Ordinance, as determined by species, size, and location on the property. There are no protected trees proposed for removal, as a part of this project.

As a condition of approval, the Planning & Community Development Department will require the submittal of a Tree Protection Plan for all identified protected trees that are located on public and private property, prior to the issuance of a building permit. This will ensure the health of the trees during and after construction.

GENERAL PLAN CONSISTENCY:

The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence. Therefore, the character of the single-family neighborhood would be maintained. Furthermore, Policy 22.2 (Single-Family Neighborhoods, Garages and Accessory Structures) encourages designing garages and accessory structures in such manner that they do not dominate the appearance of the primary dwelling from the street. The proposed structure is set back more than 190 feet from the front property line, is behind the front building line of the existing primary structure, and is architecturally consistent with the existing single-family residence. Therefore, the proposed detached garage would not dominate the appearance of the primary dwelling from the street and is in conformance with General Plan Policy 22.2. Architectural compatibility also satisfies General Plan Policy 4.11, which requires development to demonstrate a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b) (9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, (New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. This exemption applies to construction of new, small structures, including accessory structures such as garages and driveways.

REVIEW BY OTHER DEPARTMENTS:

The proposed project was reviewed by the Building Department, Pasadena Fire Department, Department of Transportation, Public Works Department, and Design and Historic Preservation Section. Based on their review of the project, the Public Works Department provided comments and recommended conditions of approval, which have been incorporated in Attachment B of this staff report. The remaining departments had no comments and would review the plans through building permit plan check process.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Minor Conditional Use Permit and Variance can be made. The proposed project meets all applicable development standards required by the Zoning Code, with the exception of the additional top plate height, which is necessary to attain a design that is architecturally compatible with the existing single-family residence. Given the design and location of the proposed garage along with the proposed second driveway, the project would not negatively affect the surrounding neighborhood, as there are four other corner properties that maintain two driveways. Furthermore, it is consistent with the goals and policies of the General Plan. Therefore, staff recommends that the Hearing Officer adopt the environmental determination and the specific findings in Attachment A to approve the application with the conditions in Attachment B.

ATTACHMENTS:

- Attachment A: Minor Conditional Use Permit and Variance Findings
- Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6646

Minor Conditional Use Permit: To allow the construction of an accessory structure to exceed the maximum allowable top plate height.

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The subject site is located within the RS-2 (Single-Family Residential) zoning district, which allows for single-family residential and the associated ancillary uses. A detached garage is an ancillary use to a single-family dwelling and is a permitted use within the RS-2 zoning district. Pursuant to Section 17.50.250(E)(1)(d) of the Zoning Code, an accessory structure may raise to, but shall not exceed, an overall height of 15 feet, and the top plate height shall not exceed nine feet. The intent of the Zoning Code is to limit the height of an accessory structure to ensure that, visually, the residence is the most prominent and visible feature on the site. The proposed detached garage will have an overall height of 15 feet, which complies with the overall height requirement. However, the proposed top plate height of 10'-6", exceeds the maximum allowable top plate height by 1'6". The request to exceed the maximum allowable top plate height is to achieve a design that is architecturally compatible with the primary structure, which is allowed with the approval of a Minor Conditional Use Permit in the RS-2 zoning district.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject site is located within the RS-2 (Single-Family Residential) zoning district. The purpose of the Single-Family Residential zoning district is to ensure adequate light, air, privacy, and open space for each dwelling, and to protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other environmental effects. The allowable land uses within the RS zoning district is single-family residential and associated ancillary uses. A detached garage is considered an ancillary use to a single-family dwelling and is permitted within the RS zoning district. The primary use of the site, single-family residential, will not change because of the proposed project. The conditions of approval will ensure that the project complies all applicable development standards and Zoning Code requirements for accessory structures. As such, the proposed use, single-family residential, complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence. Therefore, the character of the single-family neighborhood will be maintained. Furthermore, Policy 22.2 (Single-Family Neighborhoods, Garages and Accessory Structures) encourages designing garages and accessory structures in such manner that they do not dominate the appearance of the primary dwelling from the street. The proposed structure is set back more than 190 feet from the front property line, is behind the front building line of the existing primary structure, and is architecturally consistent with the existing single-family residence. Therefore, the proposed detached garage will not dominate the appearance of the primary dwelling from the street and is in conformance with General Plan Policy 22.2. Architectural compatibility also satisfies General Plan Policy 4.11, which requires development to demonstrate a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* With the exception of the top plate height requirement, the proposed detached garage meets all applicable development standards of the Zoning Code, including, but not limited to, accessory structure size, overall height, setbacks, and encroachment plane. The use of the site will remain single-family residential; therefore, the project will not be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood. All new construction proposed will adhere to applicable requirements as they relate to the Zoning Code and building and safety codes.
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed detached garage will be located in the rear southwest corner of the subject property and complies with all applicable development standards such as, setbacks, overall height, accessory structure size, and encroachment plane, with the exception of the top plate requirement. The project, as designed, will preserve the single-family residential character of the neighborhood and will not be injurious to the surrounding single-family residential uses. Conditions of approval will ensure that the project complies with all applicable development standards and Zoning Code requirements. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable Building Code, Fire Code, and Public Works requirements.
6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The proposed structure is set back more than 190 feet from the front property line and will be located behind the front building line of the existing primary structure. The proposed detached garage will be architecturally compatible with the existing primary structure, which displays a Mediterranean architectural style. The proposed detached garage will draw elements from the existing residence and original attached garage, including the arched openings, flat roof with unique detailing along the parapets, and plaster walls. In addition, the proposed scale and height of the detached garage is similar to that of the existing attached garage. Therefore, the applicant's request for the Minor Conditional Use Permit, to allow the proposed detached garage to exceed the maximum allowable top plate height for the purpose of architectural compatibility, can be justified as the requested top plate height would not affect the predominant appearance of the existing two-story, single-family residence. Therefore, as proposed the detached garage will be compatible with the residential character of the neighborhood and will maintain the aesthetic values of the surrounding single-family homes within the project area.

Variance: To allow a second driveway, where the Zoning Code allows for a maximum of one driveway serving a single-family residence

1. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* The subject site is a corner parcel improved with a two-story, single-family residence constructed in 1926, and was determined eligible for listing in the National Register of Historic Places as a contributing structure to an eligible historic district. The residence is located in the center of the site, approximately 70 feet from the front property line and 62 feet from the rear property line. Vehicular access to the existing two-car attached garage is from Pinehurst Drive. The existing

two-car attached garage was designed and constructed with thick exterior walls, a flat roof, arched door openings, and exterior walls covered in stucco that match the residence. The arched garage doors, although consistent with the architectural style, are narrow in width (seven feet) and unable to accommodate vehicles parking within the garage, as required by the Zoning Code. Rather than altering the existing, potentially eligible historic residence, the applicant has proposed construction of a detached garage in the rear southwest corner of the site. The proposed detached garage will also display a Mediterranean architectural style, including arched openings with ten-foot wide garage doors. Along with construction of the new detached garage, a second driveway is necessary in order to provide vehicle access from Hillcrest Avenue. Given the configuration of residence on the property, and the potential historical eligibility of the existing residence, the inability to modify the exterior of the residence to accommodate ten-foot garage doors, or construct a circular driveway consistent with the Zoning Code, is considered an exceptional circumstance that does not apply generally to sites in the same zoning district.

2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.* The subject site does not maintain a useable garage, due to the Mediterranean style of the home with narrow arched garage doors constructed in 1926. Constructing a second driveway with access from Hillcrest Avenue is necessary in order to provide vehicular access to the proposed two-car, detached garage at the southwest corner of the site. With the exception of granting a second driveway, the driveway will comply with all applicable development standards. Given the historical eligibility of the single-family residence and central location on the site poses unusual circumstances that a typical single-family residential property does not encounter. The proposed second driveway, will allow the applicant to provide access to the two-car detached garage, in order to enjoy accessory uses and structures that single-family residential properties are typically afforded. Specifically, four corner properties were identified within the immediate neighborhood of the subject site that maintain two or more driveways serving the residential use, including: 1300 Hillcrest Avenue, 1330 Hillcrest Avenue, 1437 Hillcrest Avenue, and 1345 Wentworth Avenue. Therefore, staff finds that granting of the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
3. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.* The project will be required to obtain building permits ensuring that the construction will not be detrimental or injurious to property or improvements in the vicinity. Conditions of approval will ensure that the project remains compatible with the surrounding area, in that it would maintain architectural compatibility with the existing residence, comply with required setbacks, overall height of the structure, and the driveway width and material will comply with the applicable development standards for an accessory structure, and construction of a driveway.
4. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence. Therefore, the character of the single-family neighborhood will be maintained. Furthermore, Policy 22.2 (Single-Family Neighborhoods, Garages and Accessory Structures) encourages designing garages and accessory structures

in such manner that they do not dominate the appearance of the primary dwelling from the street. The proposed structure is set back more than 190 feet from the front property line, is behind the front building line of the existing primary structure, and is architecturally consistent with the existing single-family residence. Therefore, the proposed detached garage will not dominate the appearance of the primary dwelling from the street and is in conformance with General Plan Policy 22.2. Architectural compatibility also satisfies General Plan Policy 4.11, which requires development to demonstrate a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

5. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.* The cost to the applicant of complying with the City's development standards has not been considered as the main factor throughout the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #6646

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, floor plan, elevations, and building sections, submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, September 18, 2019", except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of the Minor Conditional Use Permit allows the applicant to construct two-car detached garage with a maximum top plate height of 10'6", as measured from the lowest adjacent existing grade.
4. The approval of the Variance allows the applicant to construct a second driveway, 10 feet in width, for vehicular access to the two-car detached garage, from Hillcrest Avenue.
5. The new detached garage shall be designed to match the Mediterranean Revival architectural style of the main residential structure.
6. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
8. The proposed project, Activity Number **PLN2018-00279**, is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Kristen Johnston, Current Planning Section, at (626) 744-6709 to schedule an inspection appointment time.

Planning Division

9. The applicant shall comply with all requirements of the Zoning Code, and the applicable development standards provided in Chapters 17.22 (Residential Zoning Districts), and Section 17.50.250 (Residential Uses – Accessory Uses and Structures), with the exception of the accessory structure top plate height requirements, as granted herein.
10. A covenant shall be required for the proposed accessory structure in compliance with Section 17.50.250.B.2, which prohibits an accessory structure to be used for sleeping quarters. The covenant shall be recorded with LA County Recorder. The applicant shall provide a copy of the recorded accessory structure covenant to the Planning & Community Department prior to the issuance of building permits.

11. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
12. As part of its analysis, the tree protection and retention plan shall take into account the trees on adjoining properties along the west and south property lines, and protected trees within the public-right-of way, adjacent to the project site. The plan shall provide mitigation measures, if necessary, and analyses potential damage to trees by mechanical injuries to roots, trunks or branches; the compaction of soil; and changes to existing grade which may expose or suffocate roots.
13. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
14. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).
15. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Public Works Department

16. All new drive approaches shall constructed per Standard Plan S-403 and shall be at least seven (7) feet clear of the existing street trees measured from the edge of the trunk closest to the drive approach. All public trees shall be protected and fenced with a posting on the fences advising of the tree protection. A separate permit from the Department of Public Works is required for all construction in the public right-of-way. Please contact 626-744-4195 for the general process.
17. A Tree Protection Zone (TPZ) shall be established for all existing City trees within the scope of a construction project. The TPZ extends from the base of the tree to four (4) radial feet beyond the dripline of a tree and applies to the entirety of the tree – from the roots to the canopy of the tree.

The applicant is prohibited from the following within a designated TPZ: construction vehicle access, construction vehicle operation, staging of materials, and trenching without the consent of the Department of Public Works.

The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.

18. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan (PMC Ch. 8.52 – City Trees and Tree Protection Ordinance), prepared by a Landscape Architect or certified Arborist, showing the TPZ and all structures, footings, and grading that may impact City trees shall be submitted to the Department of Public Works, for review and

approval. Given that each construction project poses unique conditions, it is the responsibility of the applicant to develop a Tree Protection Plan based off the TPZ standards to the extent feasible. The Plan shall conform to the Tree Protection Standards, which specifically require showing the locations of all existing trees, their diameters, canopies, whether the tree is a public tree or private tree, as well as any trees to be planted with their canopy at mature size. The final conditions of the Tree Protection Plan shall be approved by the Forestry Superintendent. A non-refundable flat fee, per the current General Fee Schedule, will be required for staff time to review the Tree Protection Ordinance compliance.

19. Prior to any construction, tree protections including the installation of fencing to protect public trees must be in place. The fencing material shall be chain-link attached to posts inserted into the ground at the edge of the dripline and shall be a minimum of 4' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be permitted, inspected and approved by Public Works prior to the commencement of any construction.
20. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) along the boundary of their project. The report shall be prepared by a registered Arborist and submitted to PNR for review and approval. If it is determined that the applicant has failed to care for any City tree within their Tree Protection Plan, and the health of the tree(s) was critically compromised requiring its removal, the applicant shall be liable for the following costs: assessed value of tree determined by a PNR Arborist using a current ISA assessment methodology; the removal cost determined by PNR; and any applicable infraction or administrative fines determined by Code Compliance.
21. Prior to issuance of any permit, a sundry deposit in the amount of the applicant's total liabilities based on the aforementioned approved tree assessment report shall be submitted to the City. The sundry deposit is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.
22. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
23. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>. A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in

accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

24. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations, which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link:

<https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>.

25. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.
- City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the

assessed value of the tree. Refer to <https://ww5.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.

- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://ww5.cityofpasadena.net/public-works/street-maintenance-waste-management/recycling-resources/construction-and-demolition-debris-recyclers/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
 - a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
 - b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

If you have questions regarding the above conditions and requirements of the ordinances, please contact me at (626) 744-3762 or email ywu@cityofpasadena.net.